



State of Maine  
Board of Corrections

State House Station #111  
Augusta, ME 04333-0111



**MEMBERS:**

Neale Duffett\*  
Tom Brown  
Irving Faunce  
Richard Hanley  
Anne Head  
George Jabar  
Tim King  
Randall Liberty  
Joseph Ponte  
\* Chair of the Board

**EXECUTIVE  
DIRECTOR:**

Kate Snyder

**DIRECTOR OF  
PRETRIAL  
DIVERSION &  
REENTRY:**

Laura Rodas

**EXECUTIVE  
ASSOCIATES:**

Kelene Barrows  
April Fortier

**CORRECTIONS  
WORKING  
GROUP:**

Commissioner Joseph  
Ponte\*\*  
Sheriff Glenn Ross\*  
\*\*Interim Co-Chair  
\*Co-Chair

**FOCUS GROUPS:**

Budget  
Education  
Inventory of Needs  
Information Technology  
Medical/ Pharmacy  
Mental Health/Substance  
Abuse  
Pretrial/Diversion/Reentry  
Transportation  
Victim Services

To: Board Members  
From: Kate Snyder  
Date: May 11, 2011

You have been asked by the Joint Standing Committee on Criminal Justice and Public Safety (CJPS) to study and offer recommendations regarding several LDs and proposed amendments:

- 1) LD 422 – An Act to Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County
- 2) LD 1419 – An Act To Improve the Coordination of State and County Correctional Services, and
  - Proposed Committee Amendment to LD 1419 (MCCA), and
  - Repeal and Replace Amendment to LD 1419 (Representative Haskell)
- 3) LD 1421 – An Act To Reduce the Cost of Delivery of State and County Correctional Services

**LD 422 – An Act to Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County**

**Background:**

**Cost Sharing:**

Before the creation of the Board of Corrections, officials and residents of Lincoln and Sagadahoc Counties agreed to a cost-sharing agreement to support the operational costs of Two Bridges Regional Jail (TBRJ).

This pre-BOC cost-sharing agreement provided that the annual county contribution in support of the jail would fluctuate based on the previous year's actual Average Daily Population (ADP). Therefore, each year Lincoln County and Sagadahoc County would bear the explicit cost associated with their portion of jail inmates.

However, PL 653 prevents the counties from following the cost sharing agreement. In 2008, Lincoln and Sagadahoc along with every other county established their property taxpayer CAP; a snapshot in time reflecting their county contribution to correctional operational costs at TBRJ.

As such, in 2008, Lincoln and Sagadahoc County support of TBRJ was CAPPED at \$5.3M; with Lincoln paying 57% (\$3,018,361) and Sagadahoc paying 43% (\$2,295,849).

**Tax CAP revenue to TBRJ:**

In FY10, Lincoln County was scheduled to pay \$233,480.33 per month in support of TBRJ operations, and in FY11 Lincoln County is scheduled to pay \$233,289.66 per month. However, in both fiscal years, Lincoln County has paid \$222,640.00 per month, which represents a monthly revenue shortage in FY11 of \$10,649.24 per month and \$10,839.91 per month in FY11. The total to-date revenue shortage from Lincoln County to TBRJ is \$236,571.32, creating a revenue shortfall that has been covered by the Board of Corrections Investment Fund.

**Issue:**

LD 422 addresses the portions of operational funding provided to TBRJ by Lincoln County and Sagadahoc County by combining and CAPPING the collective amount that Lincoln County and Sagadahoc County may collect from municipalities for operations at TBRJ at \$5,314,210.

It seeks to return to the pre-BOC cost-sharing agreement; ie: fluctuating annual CAPs where each county annually determines their obligation to TBRJ.

**Considerations:**

The number of bed days (annual ADP) for Lincoln and Sagadahoc inmates does in fact fluctuate year to year as evidenced by the data provided to the Board and CJPS which shows actual ADP figures from FY2007, 2008, 2009, 2010 and YTD FY2011.

However, a multi-year view of ADP allows for a cumulative total analysis: a nearly 50/50 split:

	Lincoln County	Sagadahoc County	
FY2007	6,861	5,556	
FY2208	14,994	13,904	
FY2009	12,210	13,103	
FY2010	13,999	13,446	
FY2011 YTD	10,150	13,805	
Total:	58,214	59,814	
Cumulative Total:	→		118,028
% of Total:	49.32%	50.68%	

**Options/Proposals:**

- 1) Recommend no change to 30-A MRSA §701, sub-§2-A, **Tax assessment for correctional services.**
- 2) Recommend passage of LD 422 allowing Lincoln and Sagadahoc CAPS to float annually.
- 3) Recommend an amendment to 30-A MRSA §701, sub-§2-A which sets equal caps for both Lincoln County and Sagadahoc County of \$2,657,105.
- 4) Recommend payment of \$236,571.32 (withheld tax CAP revenue from FY10 and FY11 to-date) from Lincoln County to the Board of Corrections Investment Fund.
- 5) Recommend payment of \$236,571.32 (withheld tax CAP revenue from FY10 and FY11 to-date) from Lincoln County to TBRJ.

**LD 1419 – An Act To Improve the Coordination of State and County Correctional Services, and**

- **Proposed Committee Amendment to LD 1419 (MCCA), and**
- **Repeal and Replace Amendment to LD 1419 (Representative Haskell)**

Please see accompanying handout:

**Page 1 –**

30-A MRSA §701, sub-§1 – **Budget growth limitation and proposed budget** (LD1419 and amendment by MCCA and Haskell), and

30-A MRSA §701 sub-§2-7 – **County correctional services budget procedure** (amendment by Haskell)

**Page 2 -**

30-A MRSA §406, sub-§1 – **Managing jail and prison capacity and offender placement** (LD1419 and amendment by Haskell), and

30-A MRSA §406, sub-§2 – **Coordinated correctional system plan** (LD1419 and amendment by MCCA)

**Page 3 -**

30-A MRSA §709 – **County correctional services budgets presented to the State Board of Corrections** (LD1419 and amendment by MCCA and Haskell)

**Page 4 -**

30-A MRSA §924 – **Surplus Funds** (MCCA Amendment)

**Page 5 -**

34-A MRSA §1803, sub-§1 – **Manage the cost of corrections** (LD1419 and amendment by MCCA and Haskell)

**Page 6 & 7 -**

34-A MRSA §1803-A - **Office of executive director** (LD1419 and amendment by MCCA)

**Page 8 & 9 -**

34-A MRSA §1802, sub-§1 – **Appointments** (LD1419 and amendment by MCCA and Haskell)

**Page 10 -**

34-A MRSA §1805, sub-§2 – **Expenditures of program** (LD1419 and amendment by Haskell)